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THE

Only Legal Anſwer

WHICH

CONSTABLES

AND

CHURCH-WARDENS

MAY GIVE TO

ARTICLES

Inquiring into any of

His MAJESTIES Eccleſiaſtical or Civil COURTS;

OR TO ANY

JUSTICES upon the Statutes 1 *Eliz.* 2. and 3 *Jac.* 4.

Concerning the abſence of perſons from their

PARISH-CHURCH.

IN A

LETTER to a private Friend, Inquiring on the behalf of his Friend, the ſenſe and import of thoſe Statutes in this caſe; and whether Officers can be required by a particular Oath, to give in Anſwers to ſuch Articles, and how often.

LONDON:

Printed in the Year, 1680.

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LONDON:

Printed in the Year, 1680.

The only Legal Anſwer which Conſtables and Church-Wardens may give to Articles inquiring in any of his Majeſties Eccleſiaſtical or Civil Courts, &c.

SIR,

I Have received yours, with your requeſt in it on the behalf of your Friend, who you ſay is made *Conſtable*, and required to preſent offenders upon Fourteen Articles, firſt ſent to the Conſtables, but to do it upon *Oath*, yea, and to do it not only before each general *Quarter Seſſions and Aſſizes*, which is Six times each year; but every *month*, upon ſome *Juſtices meeting*, ſo often near you, or within the *Diviſion*. One of which Articles, you ſay is, *Whether he knows of any that for the three precedent Sundays came not to their Pariſh Church to hear Divine Service*; and that if their preſentment do not pleaſe them, *they will not take them*; and if any be preſented, they ordinarily iſſue out their Warrants by diſtreſs of goods, to levy 12 *d.* for every days abſence; which if they cannot get, they preſently ſend the perſons to Gaol. You ſay the *Conſtables* are required to give in their preſentments upon a particular Oath then given (not only by vertue of their general Oath given them at their entrance into the Office). You deſire my advice in the caſe. *Sir*, you know I am for going to *Divine Service*, I hope you are ſo too; ſo as you are only concerned for your Friend.

I very much ſuſpect that the *Juſtices*, who are ſo active, are little skilled in the Law; I will aſſure you we have no ſuch doings on this ſide of the *Thames*: Poſſibly it is our advantage to be ſo near the *Inns of Court*, and *Chancery*, and ſo near *Weſtminſter Hall*, where now it is ſo eaſie to get a Writ of *Habeas Corpus*, and perſons can go up in a Boat for Three or four Shillings; whereas you are ſo much within Land, that men are ſcared at three or four Pound charge to bring up themſelves to the *Kings Bench*: It will be therefore a little charitable to relieve you; but when I have ſaid all I can, *Juſtices* may ſend men to *Gaol* if they will, right or wrong, if they have not courage enough to try the legality of ſuch impriſonment before the wiſer *Judges of the Land*, which the Law gives any one leave to do; but we ſay in our Law, *Lex non eſt poſita dormientibus ſed vigilantibus*. But to your buſineſs; I am ſo far from being able to tell you, that *Juſtices* of Peace may require you upon a *new Oath* to preſent upon *Articles*, that I cannot tell upon what *Law* thoſe *Articles* are founded, or any preſenting upon *Articles* required: I know no *Statute-Law* for it. Our *Common Law* is the ancient *Cuſtom* and *uſage of the Nation*; now I cannot find that there is any uſage of ſuch thing, that can preſcribe to Fifty years. About Eight or Nine years before the Civil Wars, I remember ſome ſuch thing, but not before that time (which makes no cuſtom), then it was diſcontinued Twenty years: This is all the *Antiquity* I can find for *Articles*. But for Anſwers to *Articles* to be given in to *Juſtices* upon an *Oath* given them at the time of their giving in ſuch Anſwers, it is more than I know if there be any *Statute* or *Common Law* for it; if I miſtake not, it is a perfect *Innovation*; and methinks diſcreet *Juſtices* ſhould be wary how they give *Oathes* in caſes not *warranted by Law*, it being a buſineſs of more than ordinary danger, which I ſhould hardly venture upon, or commit any perſon that ſhould refuſe ſo to charge himſelf.

We have *Statute-oaths* enough, and need not to multiply them. I fear that the violation of our legal Oaths lyes as no mean guilt upon us; and upon that account, if there were no *civil liberty* concerned in it, I ſhould be well aſſured that a perſon had authority *to give me an oath in the caſe* before I ſhould take it.

I do very well know that we have many Statutes that are inquirable of by Juſtices, ſome only at the *Aſſizes* or *Seſſions*, ſome out of Seſſions; but in order to the trial of offenders there, or at the *Aſſizes*; Somewhere they may take Examinations upon Oath, as in caſes of *Treaſon* or *Felony*; but as to this buſineſs of not coming to hear Divine Service, I do not know that any Statute directs Juſtices of Peace out of Seſſions to examine any upon Oath, much leſs to command Officers under an Oath to anſwer to any *Articles of that nature*; nor that the Law requires Officers upon Oath to preſent any perſon, either at Aſſizes, or Seſſions, for *not coming to their Pariſh-Church to hear Divine Service*, more than to preſent any whom within twenty days before they have

have heard prophanely ſwear and curſe contrary to the *Stat.* 21 *Jac.* 20. or ſuch as *profane the Sabbath day*, contrary to the *Stat.* 3 *Car.* 1. or the late *Act* of the ſame nature; or ſuch as keep *Ale houſes* without licenſe, contrary to the *Stat.* 3 *Car.* 3. Or ſuch as are *drunk* contrary to the *Stat* 4 *Jac.* 5. 21 *Jac.* 7. Or *ſtaying longer in an Ale houſe* than the Statute alloweth, 4 *Jac.* 5. Offences againſt any Statute-Laws as to Morality, are inquirable into by Juſtices of the Peace in their Seſſions, and Officers may there preſent perſons guilty of any violation of them; but that they are more obliged by the Law to preſent *offences* of this nature, than other, is more than I know; and therefore the Articles (if it ſhall pleaſe Juſtices to give out any to inform Officers) ſhould comprehend all ſuch *crimes*, and not ſome only, for that is ready to beget an error in Officers, That they are bound to preſent upon no other Statutes, or that the Court can inquire of no other; which is a great error. There is as much law to preſent and indite any for *profane ſwearing and curſing*, for *violating the Sabbath*, for *being drunk*, or *ſitting at an Alehouſe tipling*, as for *not coming to Church*; and I do not know that any Officer can be under an obligation to preſent one more than another.

Nay, perhaps if we look into the Laws in this caſe, we ſhall find them more concerned; there are three Statutes about coming to Church, that 1 *Eliz.* 23 *Eliz.* and 3 *Jac.* the two latter are but Commentaries on the former, or *appendices* to it. The Stat. 1 *Eliz.* mentions no *Conſtables*; nay in the *levy* of the fine, makes it the work of *Churchwardens*, not *Conſtables*. But divers of the other Statutes expreſly charge the *Conſtables* with levying the penalties. So that under favour, I underſtand not by what law any Juſtices command Conſtables to levy any fines upon that Statute, when the Statute expreſly ſaith it ſhall be *levied by the Churchwardens of the Pariſh*. This is enough, *Sir*, as to requiring Conſtables to preſent upon Oath, that is a new Oath repeated ſo often as they do preſent; nay to *preſent at all*, *offenders* upon that Statute more than upon all other Statutes of which thoſe Courts may take cognizance.

But, *Sir*, I very much doubt, whether Juſtices can by enquiry proceed upon the Statute of 1 *Eliz.* out of Seſſions; the Stat. 1 *Eliz.* plainly limiteth the Enquiry to Juſtices of *Oyer* and *Determiner*, and Juſtices of Aſſize. So that by that Statute, *Juſtices of the Peace* only cannot meddle in the execution of it; but after this cometh the Stat. 23 *Eliz.* and giveth Juſtices of the Peace a power to enquire upon this Statute, but ſaith nothing of *determining*. After this comes the Stat. 3 *Jac.* 4. that provides,

That if any ſubject of this Realm at any time within one month after the end of this preſent Seſſion of Parliament, ſhall not reſort or repair to ſome Church or Chappel, or ſome other uſual place appointed for Common-Prayer, and there hear Divine Service according to the Statute made in that behalf in the firſt year of the reign of the late Queen Elizabeth, *that then it ſhall and may be lawful for any one Juſtice of Peace of that Limit, Diviſion, or Liberty, wherein the ſaid party ſhall dwell, upon proof unto him made by confeſſion of the party, or oath of witneſs, to call the ſaid party before him; and if he or ſhe, ſhall not make a ſufficient excuſe, and make due proof thereof, to the ſatisfaction of the ſaid Juſtice of Peace; that it ſhall be lawful for the ſaid Juſtice of Peace to give Warrant to the Churchwarden of ſuch Pariſh wherein ſuch party ſhall dwell, under his hand and ſeal, to levy Twelve-pence by diſtreſs, and ſale of the goods of every ſuch offender, rendring to the offender the overplus of the money raiſed of the ſaid goods ſo to be ſold. And that in default of ſuch diſtreſs, it ſhall and may be lawful for ſuch Juſtice of the Peace to commit any ſuch offender to ſome Priſon within the ſaid Shire, diviſion, limit, or liberty, where ſuch offender ſhall inhabit, until payment be made of ſuch ſum or ſums ſo to be forfeited, which forfeiture ſhall be employed to and for the uſe of the poor of that Pariſh wherein the offender ſhall be reſident, or abiding at the time of ſuch offence committed.*

Provided that no man ſhall be impeached upon this clauſe except he be called in queſtion for his default within one month after the ſaid default made.

Then afterward it ſaith, *That all offences againſt that Act, other than* Treaſon, *ſhall be enquired, heard and determined before the Juſtices of Peace in their* General Quarter Seſſions *to be holden in the Shire, diviſion, limit, or liberty, wherein ſuch offence ſhall happen.*

The

The Statute 1 *Eliz.* limited the enquiry and determination of ſuch offences to Juſtices of *Aſſize*, and to Juſtices of *Oyer* and *Determiner*, and to the next *Aſſizes* or *Quarter-Seſſions*; the Statute 23 *Eliz.* gave *Juſtices of the Peace* a power to *enquire*, but not to determine. The Stat. 3 *Jac.* 4. gives any one *Juſtice of the Peace*, a power to determine *upon proof* made of this offence, but limits an *enquiry*, *hearing* and *determining* to the *general Quarter-Seſſions*. I conceive by that Statute one Juſtice of Peace, if any will voluntarily complain and make proof of this offence out of Seſſions, may hear it and determine; but he cannot enquire by commanding officers to preſent and make proof, but in the *General Quarter-Seſſions*, and all within a months time. But I pray obſerve that Statute.

1. The offence muſt be *not reſorting to ſome Pariſh Church or Chappel, or ſome other place appointed to hear Common Prayer.* No Officer by vertue of that Statute can preſent any for not coming to his or their Pariſh-Church.

2. *Proof muſt be made of the offences:* I do not think the preſentment of any Officer *ex Officio* is a proof by the Law of *England*, which is evident in all preſentments by *Grand Juries*, which are no proofs; yet they reaſonably ought to be judged ſo before *petty Conſtables* preſentments.

3. The Proſecution which by 1 *Eliz.* is limited to the next Aſſizes or Seſſions, and by the 23 *Eliz.* enlarged to a year and a day, is here reſtrained to a month after the offence is committed.

4. By this Statute, *the Warrant for diſtreſs muſt be to the Churchwardens, not to the Conſtables.*

5. *Before the conviction the party muſt have a liberty to make and prove his excuſe, if he hath any.*

I enlarge the more upon this Statute, becauſe I perceive by your ſtory, that this is that which your Juſtices proceed upon; for you ſay they meet *monthly*, and impriſon preſently for want of *diſtreſs*, which no other Statute gives them liberty to do. I ſay, according to this *Act*, if Officers will upon articles preſent, they muſt ſay, that the party was not at *ſome Church and Chappel*; it is not enough for them to ſay he was not at his *Pariſh-Church*, that Statute ſaith no ſuch thing. Nor doth it give any Juſtice a power to *enquire out of Seſſions*, only to *hear and act upon proof voluntarily brought to him.* So that I can ſee no Statute they can proceed upon, but that 1 *Eliz.* that indeed inflicts the ſame 12 *d.* puniſhment upon thoſe who *having no reaſonable let or excuſe, come not to their Pariſh-Church, or in let thereof, to ſome other.* But that 3 *Jac.* ſaith nothing of this or that *Pariſh-Church*; and by the Stat. 1. *Eliz.* they cannot *impriſon* for want of *diſtreſs preſently.*

Indeed I cannot underſtand by what pretence of Law any thus proceeds: for our Law requireth *certainty*, and will not allow a man for the ſame offence to be proſecuted upon *two Statutes*, though relating to the ſame offence. The *Juſtices* indeed may chuſe what *Statute* they will proceed upon, but they can proceed but upon one at the ſame time. The Juſtices you ſpeak of, proceed upon the *crime* mentioned only in the Stat. 1 *Eliz.* but then they puniſh by the Stat. 3 *Jac.* and enquire into the offence by the Warrant of no Statute (out of Seſſions) that I can find. I can only ſay, if this be Law, I do not underſtand; only *blots* are no *blots till they be hit*; but I ſhould be loth either to *enquire* upon any offence, or to *commit any* after this rate, for fear of an *Habeas corpus*, and an *action of falſe impriſonment*, and ſomething worſe than that; the Law of *England* hath ſet inferiour Magiſtrates their bounds, for giving *Oaths* in caſes, and for ſending men to Priſons.

But if your friend be in no capacity, or hath not ſtomack enough to try thoſe iſſues, I do not yet underſtand why, if he will put himſelf to ſuch frequent troubles, but he may preſent legally, and never run any danger of perjury. To this purpoſe let us conſider the Stat. 1 *Eliz.* which is plainly the Text to which both the Stat. of 23 *Eliz.* and 3 *Jac.* do both refer; the words of that Statute are theſe.

And that from and after the ſaid Feaſt of the Nativity of St. John Baptiſt *next coming, all and every perſon or perſons, inhabiting within this Realm, or any other the Queens Majeſties Dominions, ſhall diligently and faithfully, having no lawful and reaſonable excuſe to be abſent, endeavour themſelves to reſort to their Pariſh-Church, or Chappel accuſtomed, or upon reaſonable let thereof, to ſome uſual place, where Common-Prayer and ſuch Service of God ſhall be uſed in ſuch time of let upon every Sunday, and other days ordained to be kept as Holidays, and there and there to abide orderly, and ſoberly, during the time of the Common-Prayer,*

Preaching,

Preaching, or other ſervice of God there to be uſed and miniſtred, upon pain of the cenſures of the Church, and alſo upon pain that every perſon ſo offending ſhall forfeit for every ſuch offence Twelve pence to be levied by the Churchwardens of the Pariſh where ſuch offence ſhall be done, to the uſe of the poor of the ſame Pariſh, of the goods, lands, and tenements of ſuch offenders, by way of diſtreſs.

The queſtion is, what the *crime* was which the wiſdom of Parliament at this time thought fit to provide againſt by this Act? and what it could be other than mens *profane ſpending of that time which the Church had ſet apart to the ſervice of God*, I cannot underſtand. For *Parliaments* uſe to proceed not againſt crimes not in being, but againſt all manners that do appear. For any pretendedly religious ſpending of that time other than at Church, either by *Papiſts* or *Proteſtants*, it was a crime not then committed by any, and therefore not provided againſt by the Stat. 1 *Eliz.* *Papiſts* generally went to hear *Common-Prayer* ten years, till the Popes *Bulls* came out; and the *Proteſtants* that were like to keep *Conventicles*, were not yet come over from beyond Sea, whither they were driven by Queen *Maries* Perſecution; nor do we find in our Statutes a word about *Conventicles* till the Stat. 35 *Eliz.* which was at leaſt 34 years after this. But at this time without doubt there were a company of *Atheiſtical perſons* in the Nation who would rather ſpend theſe days at *Alehouſes and Taverns*, or *idly walking up and down, or at ſome ſports*, or *in their beds*, than at the Worſhip of God; againſt whom this *Act* ſeems, if not chiefly, to be made; and only this clauſe in the Act inſerted.

The *Parliament* then knew, that a very great part of the Subjects could not yield obedience to this *Precept*, being *ſick*, or *from home*, or *attending the neceſſary concerns of families*, and there being no *Divine Service* at many Churches at that time, and therefore could not be conceived to make all abſent from their *Pariſh Church* criminal; nor do they, but only thoſe that are *abſent without any reaſonable let or excuſe*. This then is the crime, *to be abſent from the Pariſh Church without reaſonable let or excuſe.*

Neither can the wiſdom of *Parliament* be preſumed to have directed, that *Officers* ſhould preſent *all that were abſent without reaſonable let or excuſe*; for how ſhould Officers know this? they muſt know the ſtate of every body in their Pariſh, whether they were in health or ſickneſs; the circumſtances of every perſon; whether he were at home that day, or abroad; the order of every *family*; what ſervants were neceſſary to be at home to look after young children; what perſons were nurſes to ſick perſons, what Phyſicians or Apothecaries were attending ſick perſons; which is both impoſſible and unreaſonable to ſuppoſe. There can be no poſſible obligation upon any to preſent, farther than according to their own knowledg, for they are upon their Oaths. There ſeems therefore no Article to be well drawn upon this Statute, but this:

Do you know of any perſon in your Pariſh, who having no reaſonable let or excuſe, doth not endeavour to reſort to his Pariſh-Church or Chappel accuſtomed, or upon ſome reaſonable let thereof, to ſome other place where Common-Prayer or ſuch ſervice of God is uſed in ſuch time of let, upon every Sunday, and other days ordained to be kept as Holidays, and there abide orderly and ſoberly during the time of Common-Prayer, Preaching, or other Service of God there to be uſed and miniſtred?

In caſe the Officer doth know of any who hath no reaſonable let or impediment, that is who is neither *ſick*, or *abroad*, nor *detained at home by neceſſary occaſions*, but ſpends his, or her time, thoſe days, at *Alehouſes* and *Taverns*, or in *idle recreations*, or *in his bed*, or at any *unlawful meetings*, he is bound to preſent them; otherwiſe he ſeems not bound by this Statute, but may rather anſwer thus:

We do not know of any perſon in our Pariſh who having no reaſonable let or excuſe doth not endeavour to reſort to his Pariſh-Church or Chappel accuſtomed, or upon reaſonable let thereof to ſome other place where Common-Prayer or ſuch Service of God is uſed in ſuch time of let upon every Sunday, and other days ordained to be kept as Holidays.

And

And if it be put in the Article (as it ſhould) according to the Statute, *and there abide during the time of Common-Prayer, Preaching, or other Service of God there to be uſed and miniſtred, orderly and ſoberly:*

If he knows any that being at Church ſpend their time in *ſleeping* or *talking*, or the like, he is obliged to preſent them; if not, he may anſwer in the words of the Statute: *Nor of any who do not there abide orderly and ſoberly during the time of Common Prayer, Preaching, or other Service of God there uſed and miniſtred.*

If the *Article* be formed upon the Stat. 3 *Jac.* let the anſwer be ſtill in the words of the Statute: *We do not know of any who within a month laſt paſt have not reſorted to ſome Church or Chappel, or ſome uſual place appointed for Common-Prayer, and there hear Divine Service, according to the Statute made in that behalf in the firſt year of Queen* Elizabeth.

Theſe are the very words of the *Statute*, according to which all *Articles*, and *Anſwers*, or *Preſentments* in any of his *Majeſties* Courts *Eccleſiaſtical* or *Civil*, are requiſite to be drawn; no inferiour *Officer* being to anſwer in any other terms than what ſhall fully import that ſenſe; for *inferiour Officers* are not to *preſent* according to the *wills* of any, but only according to the *letter of the Law*, which is the common Rule of both: And you may aſſure your Friend, that any *Judges* of *England* will ſo determine. Which if they will, if any Country *Juſtice* will venture once to *commit* any to Priſon becauſe he will anſwer no otherwiſe; if he brings his Writ of *Habeas Corpus*, the Juſtice will underſtand how to take heed of his duty the next time.

I cannot tell your Friend how to avoid a Priſon, if an adventurous Juſtice will ſend him; it is enough for me to tell him how he may come out when he is there, and have his charges paid for the time he ſtays there.

Let not your Friend be frighted therefore with ſuch ſtories; It would be pretty news to us in *Weſtminſter Hall*, to hear of any *Juſtice* that ſhould refuſe an anſwer to *Articles* founded upon a *Statute*, given them in the words of the *Statute*: We ſhould adventure to tell them, they aſſumed a *Legiſlative power* to themſelves, and that their buſineſs is to *execute Laws*, not to *make them.*

But you ſay, they tell him that *he muſt preſent all thoſe that are not at Church; the Juſtices muſt judge of his excuſe whether it be reaſonable or no.* This it is for men not to conſult the *Statute*, which ſaith no ſuch thing. This indeed would bring in a fine revenue to the *Clerks of the Seſſions*, or thoſe belonging to the *Juſtices*; but *abſence from Church*, without adding, *having no reaſonable excuſe, is by the Statute no crime:* as you may ſee by the words of the Statute before recited. It is true, if any be voluntarily complained of by ſome *Informer*, *the Juſtices* by the *Statute* 3 *Jac.* muſt ſend for the party, and hear what excuſe he hath, and how he can prove it; and till that be done, the perſon is in Law no offender. But when Officers preſent upon Oath, they preſent none but *offenders*, and thoſe who they know are offenders; and they can know none to be ſuch, unleſs they know *that he is abſent*, having *no reaſonable let or excuſe.*

But *Sir*, if your Friend hath a mind to trouble himſelf to that degree, he may *preſent*, as they would have him, thoſe that are abſent; but then let him take heed that he preſents *all that are abſent every Sunday and Holiday:* and begin firſt with the *Parſon* if he doth not diligently read Service every *Sunday* and *Holiday*, then go on, and preſent every perſon for every day he is abſent, or being there, ſpends his time irreverently, ſleeping or prating. Let him not ſpare any one, *Papiſt* or *Proteſtant*, *ſick* or *well*, at *home* or *abroad*, every woman *that lieth in*, *every Nurſe*, *every Servant*, (provided they be above Sixteen years of age) and let him know, that if he be bound by his Oath to Preſent every one *abſent*, he is as much bound to this as to any thing; for if the crime be *meer abſence*, and he be bound to preſent all *he knows are abſent*, his *Oath* tieth him to do this. Will they ſay, But you knew ſuch and ſuch were at *London* that day? Beſides that none can know this; I would fain underſtand by what rule of Law an Officer may judge, that one who lives at *Northampton* hath a *reaſonable let or excuſe*, becauſe it is ſaid he is gone to *London*, more than if it be ſaid he is gone to *Abington:* If abſence from home, may by the Officer be judged a *reaſonable excuſe*, the greatneſs or ſmallneſs of the diſtance alters nothing the caſe. And let your Friend alſo Preſent offenders againſt all the Statutes, which are to be inquired of by ſuch Juſtices; for he is by his Oath no more bound to Preſent offenders againſt one Statute than another. Adviſe him to preſent (whether it be in the *Articles* or no, they are not the *Articles* which are his Law) all thoſe who he knows *within Twenty days before have profanely ſworn or curſed, who have been drunk, who have ſate tipling in Alehouſes above an hour, who have profaned the Sabbath, &c.* By this the *Gentlemen* that love buſineſs, will find they have work enough to do.

This

This is, *Sir*, the beſt advice I can give you on the behalf of your Friend; you ſhould do well to adviſe with greater Lawyers than my ſelf: But yet I believe any of them will tell you I have *ſpoken ſenſe*. There is nothing I ſo much abhor as *arbitrary power*; and I equally deteſt one who hath the path of a Law cut out for him by a *Parliament*, and cannot keep to it; as him who hath been ſo long at a *Tavern* that he cannot keep his way in the Streets. The latter is drunk with *Wine*, the former with *paſſion* and *folly*: I ſay folly, for I never yet obſerved any Magiſtrate outrun the Law, but it threw up his heels as ſoon as a brisk *Mounſieur* dared to purſue him and throw it at him. The Law is a ſteady thing, and keeps its vigour; mens paſſions are mutable and ſhort-breath'd. The Law was made for a Rule of indiſcriminitive juſtice, not to ſerve any mans turn to execute their ſilly paſſions; and whoever uſeth it to that purpoſe, will, firſt or laſt, find it an edged tool that will cut his Fingers that ſo abuſeth it.

If any man will be ſo hardy as to ſatisfie his private revenge, he will venture to break the Law (and let me tell you, the *impriſonment of perſons* not *warranted by Law*, is one of the higheſt violations of it) in hope that if it comes to the worſt, he ſhall get a *Pardon* or an *Act of oblivion*; he muſt remember, Neither of thoſe will acquit him for any private wrong done to any; beſides, they are very chargeable and incertain: And for any in thoſe preſumptions to break a *Law*, is but the ſame thing which *Fuller* ſaith, it is for a man to marry an old Widow, in hopes to bury her; *viz. To hang himſelf, in hopes ſomebody may come and cut the halter.*

I hope, Sir, you will not make an ill uſe of any thing I have wrote to you; I do not mean, by *communicating* it to others; If I were with you, I would ſay the ſame thing that I ſay here, to thoſe moſt concerned; but I mean in taking it, or any thing of it, to be a Licenſe to your Friend, or any elſe, not to go hear the *Prayers of the Church*. The Law is ſevere enough againſt them that do omit their duty in that point, though it directs a juſt method and order in which alone they may be puniſhed, and will have none to be *oppreſſed* by any ones execution of his own *will* and *paſſion*, inſtead of what it directeth. What I have wrote is for the relief of your oppreſſed Friend, not for the incouragement of any tranſgreſſing Friend.

Sir, I am

Your commandable Friend and Servant.

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